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## SPEECH

OF

HON. JAMES R. DOOLITTLE,  
OF WISCONSIN.

IN THE SENATE OF THE UNITED STATES, MARCH 4 AND 8, 1858.

The Senate having under consideration the bill for the admission of Kansas into the Union as a State—

MR. DOOLITTLE said:

MR. PRESIDENT: Before entering upon the discussion of the merits of this important controversy, I feel called upon to notice, in brief terms, some considerations thrown into this debate which partake less of argument addressed to our judgments and consciences than of appeals calculated to alarm the apprehensions of patriots devoted to the Constitution and the Union.

It has been more than intimated by the honorable Senator from Delaware, [MR. BAYARD,] and again by the honorable Senator from Virginia, [MR. MASON,] that unless Kansas be admitted at once as a slave State under the Lecompton constitution, the Union of these States is to be broken up, and the Constitution overthrown; and the whole speech of the honorable Senator from South Carolina [MR. HAMMOND] seemed to be based on the same idea. Sir, if I could be brought to believe that any such national calamity would follow, or that there were any well-grounded apprehensions that it might follow, I am free to confess these appeals would be entitled to great consideration. I cannot, like the honorable Senator who has just preceded me, coldly calculate the value of this Union, and compare the strength, power, and resources of the southern and northern confederacies into which he is prepared to divide it, and determine which shall hold the mastery. That is not the school in which I have been reared. Love for the Union, earnest, intense, undying love for the Union of these States, was instilled into my bosom in my earliest childhood. Next to the God of heaven, I was taught to love, honor, and defend it under all circumstances and against all enemies, from without and from within. That sentiment has grown with my growth, and strengthened with my strength; and now, in the full vigor of manhood, it is my deep and sacred conviction to-day, that, as a nation, we are indebted to that Union for all we have been, for all we are, and for

all we may hope to be. By that Union this nation, in its past history and its present position, and, if true to itself, in its future destiny, is to be the highest, the greatest, and most divinely favored the sun ever shone upon. In that Union, under God, as a nation in all that constitutes national greatness and makes us a Power among the nations upon the earth, we live and move and have our being. The great orator of New England, on this floor, more than a quarter of a century ago, gave utterance to this sentiment, so dear and so sacred to every American heart, in words too forcible ever to be forgotten: "Liberty and union, now and forever, one and inseparable." Cherishing as I do this sentiment, in common, as I believe, with the great mass of the American people, I am free to confess, sir, that I can never hear the dissolution of that Union suggested from any respectable quarter as an event that may happen, without profound emotion; and I have deemed it my first duty to consider well whether there are any reasonable grounds to apprehend such a result before I enter upon a discussion of the merits of the controversy now going on. I have duly considered that question, as I believe, in all its bearings, and have arrived at the conclusion that there is no just foundation for any such apprehensions; and I will briefly state my reasons.

First of all, Mr. President, the union of these States is the most sacredly cherished object of the patriotic devotion of all the people of the several States, with very few exceptions, North, South, East, and West. There are a few individuals, both North and South, to be found, who would, if they could, break it up; but, I doubt not, that arises from some peculiar constitution of their minds; while, with the great mass of the people of the United States, the men of sober judgment and good common sense, they are regarded as impracticable men, with morbid or diseased imaginations, who are entitled to very little weight. There have been times when, from newspaper reports thrown out in the heat of political excitement, some of the prominent men of

Mississippi and South Carolina have been said to favor a dissolution of the Union; but the warm and devoted attachment declared by both the Senators from Mississippi—the one, [Mr. Brown,] in his recent speech on Kansas affairs; the other, [Mr. Davis,] in his reply to the question of the honorable Senator from Maine, [Mr. Fessenden,]—satisfies me that loyalty to the Union is still the sentiment of the people of that State. From the same source, (newspaper reports,) the position of the members of Congress from South Carolina upon this subject has been questioned. I am informed that a certain newspaper published in South Carolina, called the Charleston Mercury, in 1856, in reply to an article in the New York Herald, declared that—

“Upon the policy of dissolving the Union, of separating the South from her northern enemies, and establishing a southern confederacy, parties, presses, politicians, and people, are a unit. There is not a single public man in her limits, not one of her present Representatives or Senators in Congress, who is not pledged to the lips in favor of disunion.”

Notwithstanding this, I have been led to believe that it is but the heated declaration of a newspaper editor, thrown out in the midst of a political canvass, and similar to some threats against the Union we saw in the Richmond Enquirer during the presidential canvass; which, we were afterwards informed, were made as the only means of saving the Union! Notwithstanding what has just fallen from the Senator from South Carolina, with all due respect I must still be permitted to say, that, in my opinion, ninety-nine in a hundred of all the people of the United States are, in their very heart of hearts, loyal to the Union; and that it is not in the power of Congress, in this or the other branch, or both together, to dissolve this Union, if they were to undertake it. Members of Congress are sent here to support the Constitution and the Union. They are sworn to support them; and any attempt to overturn either would not only bring the crime of treason and perjury upon themselves, but it would prove wholly futile.

The resolutions of State Legislatures, passed under the political excitement of the hour, we have all seen before. Vermont it was whose Legislature resolved that, in case Texas was annexed, the Union was dissolved *ipso facto*. I believe some one or more of the extreme southern States passed similar resolutions in case California was admitted as a free State. But the Union still stands; and, in my humble opinion, with all due deference and respect to the resolutions of the Legislature of Alabama, it will still stand, though Kansas should be admitted under either the Topeka or Leecompton constitution, or admitted under neither; and it will stand forever. Sir, the people of these United States, upon their sober second thought, will not only not dissolve this Union themselves, but they will not suffer it to be dissolved. Any man, or set of men, or any party, who may undertake it, will, in my opinion, in the end be utterly overwhelmed and buried beyond the hope of political resurrection.

Mr. CLAY. Will the Senator allow me to interrupt him at this point? The remark which he has just made has frequently fallen from the other side of the Chamber; and as it is somewhat ambiguous and oracular, I should like to have a clear explanation of it. I wish to know whether the Senator means that the power of this Gov-

ernment would be exerted to coerce a State into the Union?

Mr. DOOLITTLE. The ground which I take is, that the great mass of the people in all the States are pledged to maintain the Union, and they will maintain it; and it is not in the power of any politician or any set of politicians in the States to dissolve the Union, if they were to undertake to do so. The people will not only not dissolve it, but they will not suffer it to be dissolved. When the question comes to be discussed and understood and brought home to the hearts and the hearthstones of the people, there is, in my opinion, no State where the party that shall undertake to accomplish disunion will not be utterly annihilated and overwhelmed beyond the hope of political resurrection.

Mr. CLAY. The Senator does not seem to comprehend my question. I have heard it said on this floor—I need not allude to what has been said in the papers—that the North would not permit any State to secede from the Union. What I wished to understand from the Senator was, whether he meant to say that the physical power, the military and naval force of the Government, should be exerted to coerce any State back into the Union after she had chosen to separate herself?

Mr. DOOLITTLE. When cases arise, it will be time enough to meet them. I do not say what possibly might arise. I am only speaking of what I believe cannot arise. I say that, in my opinion, no State in this Union will secede, or attempt to secede, and no set of men in any State can persuade the people to undertake to secede—not even in South Carolina—whether Kansas be admitted as a State under the Leecompton or the Topeka constitution, or not admitted under any constitution at all, for five years to come. I do not believe that I underestimate the power of politicians, or overestimate the good sense and intelligence of the American people, when I say that I do not believe it to be in the power of all the politicians in Washington to break up the union of these States, if they were to undertake it. Whenever the hour of trial shall come, the deep, the devoted, the intense, the undying love of the great mass of the American people for the union of these States will prove itself to be stronger and more abiding than the power of any political organization. I know that in ordinary times, and upon questions of ordinary interest, public opinion may be swayed, molded, and, to a certain extent, controlled, by men in office, by party machinery, and political organizations; and then public opinion would seem to be the mere voice of the politicians; but there are other times and other questions—great emergencies—times that try the souls of men, when the deep fountains of the human heart are broken up; and then it is as true to-day as it was in the days of the Revolution, “the voice of the people is the voice of God.” At times, it is true public opinion is a gently flowing stream, to some extent easily diverted in its course, upon whose smooth, tranquil surface, politicians and office-seekers may float upon their platforms into place and power. But there are other times when the heavens are darkened and the storm is gathered, when the rains have descended and the floods have come, that it rolls along, fit emblem of Almighty wrath and power; resistance

but maddening its fury and increasing its strength: when mere politicians and platforms and party organizations are all swept away, to become mere floodwood upon the surface of the rushing current. Sir, there can be no mistaking the fact that a great emergency is now upon us. We are in the midst of a revolution not altogether bloodless, in which, for the first time in the history of the American Government, the Administration at Washington, by an armed intervention, is endeavoring to force a State into the Union against the will of its people. The President may ignore the true condition of affairs; he may honestly suppose that there is a great delusion in the public mind, instead of his own; but he will learn, and the politicians will learn, that the people of these United States are about to take this matter into their own hands. From Maine to Kansas, we hear their voice demanding in thunder tones that this Lecompton constitution shall not be forced upon that people against their will. And, sir, if you will listen to the voice of the great majority of the people, even from the southern States, you will soon hear coming up, from their very heart of hearts, now in whispers, now in plain, out-spoken words, curses, not loud, but deep, and none the less bitter, against this whole Kansas policy, from the beginning to the end.

But to return to the point from which I have digressed. Pray, sir, what political party desires the dissolution of this Union? Is it the American party? Its whole existence is staked upon its Americanism and its nationality. Is it the party which claims, *par excellence*, to be the National Democratic party?—strange as the misnomer may seem to me, applied to a party to which, at this day, neither Jefferson, Madison, Monroe, nor Jackson, could consistently belong. However it may have lost sight of the principles of that party in its earlier days, it still claims to be national in its character, the champion of the Union, of law and order. All its professions, and, I am bound to believe—for I yield to others the same patriotism and sincerity of purpose which I claim for myself—all its convictions and aspirations are to sustain law and order, and to maintain the perpetuity of the Constitution and the Union. Is it, then, the Republican party which is in favor of a dissolution of the Union? Sir, I know it has been sometimes charged that the Republican party is sectional in its purposes and disloyal to the Union; that it aims to trample down the constitutional rights of the States, and thus, indirectly, undermine the foundations of the Union. This charge is utterly groundless. That party commenced its organization at Pittsburg on the 22d of February, 1856; and in its address and resolutions there was not a doctrine, not a syllable, which conflicts in any degree with the doctrines of the old Republican party of 1798; and in the State which I have the honor in part to represent, in the resolutions passed almost unanimously by the Republican members of the Legislature of Wisconsin upon my nomination to a place in this body, they expressly adopted and incorporated, as a part of their very platform, the resolutions passed by the Kentucky and Virginia Legislatures in 1798-99 in relation to the reserved rights, sovereignty, and independence of the several States. While, upon the one hand, there will be found no State more loyal to the Union and the Constitution than Wisconsin,

upon the other hand there will be found no State ready to maintain in full vigor, with greater energy or more devotion, the reserved rights, sovereignty, and independence, of each and every member of the Confederacy. In answer to this oft-repeated charge as to the disloyalty of the Republican party to the Constitution and the Union, I beg leave to read a brief extract from the address which was put forth at its organization in Pittsburg in February, 1856:

"We declare, in the first place, our fixed and unaltered devotion to the Constitution of the United States—to the ends for which it was established, and to the means which it provided for their attainment.

"We declare our purpose to obey, in all things, the requirements of the Constitution, and of all laws enacted in pursuance thereof. We cherish a profound reverence for the wise and patriotic men by whom it was framed, and a lively sense of the blessings it has conferred upon our country and upon mankind throughout the world. In every crisis of difficulty and of danger we shall invoke its spirit, and proclaim the supremacy of its authority.

"In the next place, we declare our ardent and unshaken attachment to this Union of American States which the Constitution created and has thus far preserved. We revere it as the purchase of the blood of our forefathers, as the condition of our national renown, and as the guardian and guarantee of that liberty which the Constitution was designed to secure. We will defend and protect it against all its enemies. We will recognize no geographical divisions, no local interests, no narrow or sectional prejudices, in our endeavors to preserve the union of these States against foreign aggression and domestic strife. What we claim for ourselves, we claim for all. The rights, privileges, and liberties, which we demand as our inheritance, we concede as their inheritance to all the citizens of this Republic."

The Republican party was hardly organized when the campaign of 1856 came on. Its organization is still going on, preparatory to taking possession of this Government in 1860. Its purposes are not to trample upon the rights of the South; not to strike down any of the institutions of the South; but simply to restore the administration of the Federal Government to the policy of the early republican fathers. It asks for nothing more; it will be satisfied with nothing less. The cardinal point upon which this party is gathered, the flag which it bears at the head of its column, is the Constitution, the Union, the rights of the States, and the rights of the Federal Government. With very few exceptions, every resolution, every well-considered speech of every prominent member of the party, from its organization at Pittsburg on the 22d of February, 1856, to this hour, breathes the spirit of ardent loyalty to the Union; and if ever a political party can be "pledged to the lips" in favor of maintaining the Constitution and the Union at all hazards, against all enemies from abroad, and against all traitors at home, it is the Republican party. I know that in the campaign of 1856 this charge was made against the Republican party, with tremendous effect, in Ohio, Indiana, Illinois, and Pennsylvania, and also throughout all the southern States, where scarcely any newspaper could be found to give utterance to its doctrines, where its speeches and addresses were prevented from circulation, and where the great mass of the people could neither understand nor appreciate its purposes and motives. I know that during that canvass it was sometimes threatened, even in the northern States, that in case Colonel Fremont should be elected President of the United States by the legal votes and suffrages of the American people, he should never be inaugurated; that Colonel Fremont, though legally elected, though he stood pledged before the American people to main-

tain the Constitution, the Union, and the rights of the several States, should never be permitted to take the oath of office in Washington city; but that the Union would be dissolved. I never heard but one reply from the Republicans: "If Mr. Buchanan is elected, we will stand by the Union; if Mr. Fillmore is elected, we will stand by the Union; and if Colonel Fremont is elected, we will stand by the Union; ay, we will fight for the Union to the very death; and if any man, high or low, attempts to overthrow it, we will indict him for treason, try him for treason, and, if the jury do not acquit him upon the ground of insanity, and the President do not interfere to pardon him, we will hang him as sure as there is a God in heaven."

If that be disloyalty to the Union, then, sir, the Republican party plead guilty to the charge; but not otherwise. This oft-repeated charge against the Republican party is utterly groundless. They are pledged, not only not to dissolve the Union themselves, but not to suffer it to be dissolved; to use every power which God has given them to prevent its dissolution! The Union of these States was formed in that struggle which gave American liberty its birth; the same struggle which brought to man upon earth the glad tidings of political redemption. If cost the treasure, the agony, and the blood of our ancestors to achieve it. I trust the time will never come, which seems to be anticipated by the honorable Senator from Alabama, [Mr. CLAY,] when it will cost the treasure, the agony, and the blood, of their sons to maintain it. But, sir, let me tell that honorable Senator, that the same spirit which, shaped the destiny and guided the deliberations of our forefathers in the formation of the Union, still lives—not in one section alone, but in every section and in every State; and that same spirit will be ever ready to cement again, if it be necessary, in the blood of the sons, the eternal Union made by the fathers. There is a spirit in the American people which, on board the ship of State, as it may occasionally seem to ride over the breakers, needs but to be awakened from apparent slumber to arise, and say with a Savior's voice to the storm and the raging sea, "Peace, be still!" and that voice will be obeyed.

It will never be forgotten by the American people, that the bonds of the Union were sealed with the blood of a common ancestry, with common sacrifices, heroism, and suffering. Whatever politicians may say in hours of excitement, when the day of trial comes the American people will be ready to imitate and to emulate the example of their forefathers. They gathered around Washington from the North and from the South. Like a band of brothers, ready to endure every sacrifice and every hardship, together often they shared their scanty meal, and on the cold winter night together shared their thin and tattered covering; shoulder to shoulder, indeed, they stood in the day of conflict, freely baring their bosoms in each other's defense; together, often their very life-blood gushed and mingled; and side by side their ashes still rest upon that soil which their united valor defended. The Union is still consecrated by holding those ashes—those sacred ashes. To any man who proposes to dissolve the Union, I desire to put this question: where will you draw the line of separation—upon which side of Mount Vernon shall it fall?

Sir, I know not how others may feel; I know not how our brethren of the southern States may feel; but this one thing I know: there is no power on earth can hold the tomb of Washington upon a soil and within a jurisdiction foreign to the twenty millions of people who inhabit the northern and western States of this Confederacy; and I believe the same may be said of the great mass of the people of the middle States, if it be not true to the same extent of the extreme southern States. And as for Wisconsin she was born of Virginia—born in the days of her revolutionary heroes and statesmen; in the days of her youthful vigor; in the days, too, of her true republican principles. Like Ohio, Indiana, Illinois, and Michigan, Wisconsin, though the youngest of the sisters, takes equal pride in tracing her parentage to the Old Dominion, the mother of States and of statesmen. She takes pride in the great names of Virginia; she claims them as part of her inheritance. If the day shall ever come—which may God in his mercy avert!—when treason shall raise its head against the Constitution and the Union, and undertake to sever Virginia from her offspring, be assured, sir, that the teeming millions who inhabit those northwestern States, as well as all the northern and eastern States, and the untold millions of their descendants, will continue to bear the same flag which Washington bore, and they will belong to the land that holds his ashes, though the peaceful Potomac, which flows by his tomb, shall run red with the blood of traitors. They will never surrender their birthright, and it shall never be taken from them. This Constitution is their Constitution; this country is their country; the flag of the Union is their flag; and they will never desert it, never surrender it. "What we claim for ourselves, we claim for all. The rights, privileges, and liberties, which we demand as our inheritance, we concede as their inheritance, to all the citizens of this Republic."

The union of these States is cemented by another bond no less strong—the bond of a common interest in the great valley of the Mississippi. I agree with the honorable Senator who preceded me, that the valley of the Mississippi will bind the Union together in bonds which can never be broken. Situated as Wisconsin is, with her whole eastern boundary upon the great lakes, whose waters flow into the Atlantic, she has a common interest and sympathy with all the northern and eastern and Atlantic States. Bounded upon the west by the Mississippi, with her navigable waters flowing into it, by nature, by geographical position she has a common interest with all those States whose waters flow into the Gulf of Mexico from the great valley of the Mississippi, to maintain forever the free and uninterrupted commerce of the Mississippi and the Gulf, which the Constitution of the United States secures.

The proposition by Spain to cede to England or France the Island of Cuba would arouse the opposition of the whole American people almost as one man; and why, sir? Simply because, in the hands of a strong naval Power, from its geographical position and harbors it would command the commerce of the valley of the Mississippi; in short, because Havana is the Sebastopol of the Gulf. Do you suppose, sir, that the people of the Mississippi valley, to say nothing of the great commercial States, who furnished the money to purchase

Louisiana, will ever consent that the mouths of the Mississippi shall be held in a foreign jurisdiction? No man doubts the chivalry or bravery of the southern States; but there is an irresistible logic in overwhelming numbers, and numbers, too, constantly augmenting in almost geometrical progression under the operation of the laws of emigration and population with as unerring certainty as the revolutions of the earth. To suppose that even now, and more especially that when, within the next thirty years, there shall be a free white population of more than fifty millions with an identity of interest in the commerce of the Mississippi and the Gulf of Mexico, they will suffer the outlet of that commerce to be held by a foreign State, on account of negroes held in slavery by a few hundred thousand citizens of some of the States of this Union, would be as idle as to undertake to dam the waters of the Mississippi itself, to chain the lightning, or, like Xerxes, the Hellespont. It is one of those things which cannot be done, sir; no line of separation can be made to divide the valley of the Mississippi. You cannot cut that river in two. As all that vast, and as yet but comparatively undeveloped region, drained by that river, embracing all your territories between the Alleghanies and the Rocky Mountains, shall become filled up with untold millions of the most hardy, brave, intelligent, and enterprising people, they will bind this Union together in bonds of common interest, language, and sympathy, which no power on earth can sever. Like its eternal, ever-flowing waters, the commerce of the Mississippi shall flow ever and onward uninterrupted to the Gulf. Divide the valley of the Mississippi? No, sir; never, till those waters cease to flow, and those fertile valleys cease to yield the necessities for human life. This Union rests upon a foundation more enduring than any mere human enactments. It rests upon the laws and the necessities of our population and geographical position; upon the laws which govern the growth of ages in the history of mankind. The same Almighty Being who watched over its infant colonization, its revolutionary struggle for the independence of the soil, its second struggle for the freedom of the seas, its struggle for the independence of its Treasury from the domination and control of associated wealth, still watches over every step of its growth and progress; and, in spite of parties and platforms, presses and politicians, is carrying it onward, and right onward to the high destiny to which He has called it.

Another set of stockholders, in another kind of institution than a national bank, but compared with which all the power of a national bank was a mere pigmy, undertake to seize hold of this Government, and commence offensive, aggressive operations against the people of the North and their free institutions; but the same Providence will watch over us in our struggles with this power.

Statesmen may see and appreciate the causes that are in operation around us. They may see and feel the mighty current of emigration, the power of population which is bringing upon this continent the bravest, the best, and the most enterprising of the whole human family, by millions upon millions. It would be wise for statesmen to see and appreciate these causes, which they can no more control than they can control

the currents of air or of ocean. This vast continent was reserved in the providence of God for the very purpose of giving full scope for the development of man under the influence of modern and Christian civilization. Our system of government is but the outgrowth of that civilization. It is adapted to it and based upon it. It has no precedent; it has no compeer. All that has preceded it has but prepared the way for its coming; and its whole grand object, end, and aim, is to work out for man upon earth a better, higher, and more divine life. The prophets foresaw it; the good men of all ages have longed and prayed for its approach; and, in my opinion, Heaven, with all its omnipotence, stands pledged for its success. This Union, this Constitution, this form of government, this wonderful development, this position among the Fowers of the earth, is not a thing of accident or of chance. No, sir, "there's a divinity that shapes our ends."

My confidence in the perpetuity of the Union rises in its character to be a strong and abiding faith—a faith based upon the devoted patriotism of the great mass of the American people; upon identity of language, sympathy, and interest; upon a common history, common recollections, common hopes, and a common destiny. It rests, moreover, in a great measure, upon the promises revealed in that volume which all Christians accept as Divine. It is a faith with me which never wavers; which no idle threats can disturb for a moment; which every reason addressed to the understanding confirms; which every sentiment of patriotism approves; and which, under the sanction of a deep religious conviction, leans upon the Almighty for its strength.

Mr. DOOLITTLE, without concluding, gave way for a motion to go into executive session.

MONDAY, March 8, 1858.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 161) for the admission of the State of Kansas into the Union.

Mr. DOOLITTLE. Mr. President, the announcement just made by the honorable Senator from Missouri, who is in charge of this bill, that the majority of this body have determined upon Monday, one week from to-day, as the day on which the final vote is to be taken, I confess, embarrasses me. I look around me, upon this floor, and see many more able than myself to do justice to the question now before the Senate; many, almost all of them, more experienced than myself; and this unexpected announcement, as it comes home to my heart, raises within me a struggle which I had hoped not to have experienced. It is a struggle whether, in consequence of it, I must restrict the utterance of much I would desire to say, or be compelled to trespass upon the time of others, who could do more justice to the question than is within my power. Mr. President, it is a subject which weighs me down; it is a subject upon which I feel most deeply; a subject upon which I can hardly find language to give utterance to all the emotions that rise within me; and yet, in duty to myself, in duty to the State which I have the honor in part to represent, in duty to the great mass of the free white laboring men of the North, I feel called upon to speak, to open my heart, on this floor, and on this question, and

not to refrain from the utterance of my sentiments as they may arise.

Mr. President, before coming to the discussion of the direct question pending, I must be permitted to notice, in brief terms, some of the extraordinary doctrines announced by the honorable Senator from South Carolina, [Mr. HAMMOND,] who preceded me in the debate. Conscious of the strength of our own positions; conscious of the devoted patriotism which we bear towards the Constitution and the Union ourselves, we shall be drawn into no recriminations against the people or the institutions of South Carolina; although the honorable Senator was pleased, in the course of his remarks, to say, in speaking to the representatives and people of the northern States: "We cannot rely upon your faith when you have the power; it has always been broken whenever pledged." Does the honorable Senator from South Carolina, in serious earnest, intend to charge upon the great body of the people of the northern States all that this language implies? If he does, it is impossible for me to remain silent without giving him a passing answer. I ask the honorable gentleman when, and where, and on what occasion, have the people of the North broken their plighted faith, when given to the people of the South, or any other portion of the people of this Confederacy? Was it in the passage of the ordinance of 1787? Who passed that ordinance? It was passed by the unanimous vote of Congress. Every vote from South Carolina was in its favor; every vote from every State within the Confederacy was in its favor, with the exception of a single vote, and that was cast by a gentleman from New York. Who, let me ask you, has ever sought to violate the plighted faith given by the ordinance of 1787? Has it been the people of the North or the representatives of the North?

Again, sir, who was it that passed the Missouri compromise? It was passed by the votes of the representatives of the southern States, against the votes of a majority of the representatives of the northern States. Who sought to break down the plighted faith which was given by the Missouri compromise? Was it the people of the North or the representatives of the North? Was it not the representatives of the southern States, with very few exceptions? But few of the representatives from the States of the North could be found who were ready to break down that, as one of the compromises of this Confederacy.

But again, how inconsistent is the charge made by the honorable Senator from South Carolina, when he claims, in the same breath, that for sixty years the slaveholders of the South have controlled the policy of the Government of the United States. Holding the Government in their power, controlling its administration, what right have they to complain of violated pledges and violated faith? They have made the pledges and they have kept them or broken them at their pleasure, having the power of the Government in their hands.

Mr. President, this wholesale and sweeping denunciation upon the good faith of the people residing in the northern States, and their representatives in Congress, is a denunciation which calls upon me, for one, to repel it. The truth of history, in my humble judgment, not only does not sustain the charge, but it furnishes not the slightest foundation upon which it can rest.

But the Senator from South Carolina makes some more specific charges, he asks some more direct questions, and says, when we the representatives of the North shall take possession of the administration of the Government what guarantee have the South that "you will not plunder us with tariffs?" This, too, comes from South Carolina, which for years has studied in the school of its great master, a man of great intellect, of great purity of personal character, John C. Calhoun, the representative man of South Carolina, and the very man who was foremost among the advocates of the tariff policy, of which the gentleman now complains. I hold in my hand a volume which records the fact that Mr. Calhoun not only made an earnest and eloquent speech but gave his vote to establish, for the first time in the history of this Government, a tariff whose avowed object was the protection of the manufactures of this country. I quote an extract from the speech of Mr. Calhoun on the occasion of the passage of the tariff bill of 1816:

"When our manufactures are grown to a certain perfection, as they soon will, under the fostering care of Government, we will no longer experience these evils."—*Benton's Abridgment of Debates*, vol. 5, p. 641.

In April, 1816, it came to a final vote, and among others, Mr. Calhoun is found voting in the affirmative:

"And thus," says Mr. Benton, "was inaugurated a new policy with respect to the imposition of duties on imports." \* \* \* "Protection became the object, and revenue the incident, and to such a degree as often to disregard revenue altogether, and a surplus of nine millions was actually created."

I do not stand here as the advocate of a high tariff; I do not stand here as the advocate of any protective tariff, except so far as a tariff for revenue may give incidental protection to the manufacturing interests of the country; but, sir, does it not come with an ill grace from the State of South Carolina to ask us, when we take possession of the Government, whether we will not plunder them with tariffs, when the great representative man of South Carolina, Mr. Calhoun, himself, was the early author and advocate of the very tariff policy of which the Senator complains?

Again, the Senator asks the question, what guarantee have the South that we will not create another national bank? This, too, comes from South Carolina! Sir, it was John C. Calhoun who, in 1814, introduced the resolutions of inquiry in relation to the establishment of a national bank, and it was John C. Calhoun, in 1816, who, with others, brought forward and passed the very United States bank bill of which the gentleman complains. I am no advocate of a national bank. I have opposed that institution and its creation in every form within my power for twenty years of my manhood. I oppose it now. The question of a United States bank is no more a question of discussion before the American people, than the question of the revolutionary war, or the question of the last war with Great Britain. The battle has been fought, the victory won, the policy of the Government forever settled on that question, and the Republican party is no more in favor of the establishment of a national bank than the honorable Senator himself. But with what grace does it come from the Senator from South Carolina to raise the question whether, when we take possession of the Government, we may not establish a

national bank, when it was the leader from South Carolina who introduced the very bank bill which cost us such a struggle to put down?

What guarantee have they, he asked again, that "we will not bankrupt" them "with internal improvements?" Sir, Mr. Calhoun, in the same speech from which I have already quoted, in 1816, advocated this very doctrine of internal improvement. In language, forcible, and in no way to be mistaken, he said:

"To give perfection to this state of things, it will be necessary to add, as soon as possible, a system of internal improvements."

I stand here as no advocate of a general system of internal improvements by the Government of the United States. I stand here as the advocate of the doctrine laid down by General Jackson in his veto of the Maysville road bill; but, at the same time, I am ready, so far as I am able, to oppose the pretense that the whole expenditures of public money in relation to the protection and regulation of our commerce must be upon the seashore; where the water is salt, and the tide ebbs and flows; and at the same time no money is to be expended upon the great lakes, over which more commerce floats than the whole value of the cotton crop of which the honorable gentleman spoke in such eloquent terms. Against any such distinction, I, for one, am prepared to give my vote, my voice, and my influence.

The honorable Senator, in coolly looking upon the division of this Union into two great confederacies, North and South, and in comparing and in calculating their strength, their greatness, and their resources, dwelt at very great length upon the value of the cotton crop produced in the slaveholding States. I do not stand here to disparage any one of the southern States. I know their greatness, and I take pride in it. I claim the southern States as a part of this glorious Confederacy to which I myself belong. I acknowledge the greatness of the cotton crop produced there as an article of export. I acknowledge the great influence which it exercises throughout the manufacturing and commercial world; but while I acknowledge all that, the gentleman will not regard it unkind in me if I remind him of the fact that the cotton crop, with all its boasted value, is not worth as much as the hay which the farmers of the United States put into their barns.

Again, the honorable Senator said, in comparing the southern with the northern States, that we have our slaves, and that our slaves are white. I will quote his precise language:

"Your whole class of manual laborers and operatives, as you call them, are slaves." "Your slaves are white, of your own race; you are brothers of one blood. They are your equals in natural endowment of intellect, and they feel galled by their degradation. Our slaves do not vote. We give them no political power. Yours do vote, and being the majority, they are the depositaries of all your political power. If they knew the tremendous secret, that the ballot-box is stronger than an army with bayonets, and could combine, where would you be?"

I do not deny that in the large cities of the North, or in the large cities of the South, or where ever large cities are found on the face of the whole earth, where riches in abundance, and poverty in its degradation, are brought together face to face, and concentrated, where all that attends upon vice, poverty, and crime, is developed to the greatest extent, the children of misfortune, vice, poverty,

beggary, and crime, may be found. They may be found in the streets of the city of New York. Are they not also in the streets of Baltimore, in the streets of Charleston, in the streets of New Orleans? The reason there are more in the city of New York than in any other of the cities of the Union, is because it is the great commercial center of this continent, open to the commerce of the world, receiving the influx of population from every portion of the globe.

If the honorable Senator had confined his remark to those specimens of misfortune which are to be found in the large cities of the North, I should have given it no notice whatever; but he says a majority of our people, a majority of the voters in the northern States, are slaves. This remark compels me to notice it. I could not do otherwise if I would. In behalf of the great State which I now in part represent upon this floor, four fifths of whose population earn their daily bread by their own labor, all of whose population regard labor as dignified and honorable, and not as a degradation, I repel the imputation. I should be false to them if I did not repel it now and here. I should be false to myself, false to my own education, and false to my own parentage, if I failed to do so. Sir, the very blood that courses in these veins rises up to repel any such charge. Am I to be told on the floor of the Senate that, because my own father was a poor laboring man when he commenced the great battle of life, I am to be regarded as the son of a slave? There are others around me who will feel as deeply as I feel, the full import of this declaration, and who cannot suffer it to pass unnoticed.

As one of the representatives of the free white men of the non-slaveholding States, I tell the honorable Senator they are not slaves now, nor will they be made slaves. They understand full well their power and their position and their future destiny upon this continent. They know no masters; they acknowledge no dictators. They kneel to none but God, and not even then unless in their own way.

Mr. President, when I addressed the Senate on Thursday last, I said all that I desired to say in relation to the often-repeated intimation which we hear upon this floor and elsewhere, that unless Kansas be admitted at once under the Lecompton constitution, the Union is to be dissolved. Sir, this is but an appeal to our weakness, to our apprehensions; it is not an appeal to our judgment and our understanding. I propose, as briefly as I may, to go into an examination of the merits of the question now pending before the Senate. In the first place, and admitting for the present the legality and authority of the Legislature of the Territory of Kansas which was elected, or claims to have been elected, in the spring of 1855, standing for the present upon the ground assumed by the friends of this measure, the question which I now propose to examine as a legal question is this: whether the Lecompton constitution is of binding authority on the people of Kansas? Has it the force of a law upon that people, binding upon them, and binding also upon the States, and the people of the United States?

This involves some other questions. The first among these is, whether the people of a Territory can, of their own voluntary motion, without any enabling act by Congress, without any act by the

Territorial Legislature, independent of all existing legal authorities, form and establish a system of government to overturn an existing one, and make it legitimate, authoritative, and binding upon the people? As an American citizen, maintaining the doctrines of the American Revolution, I admit that, as an abstract right, any people possesses the right to change the form of their government, and make it conform to their own will; but that is a revolutionary, not a legal right. It is a right which rests not upon the law, but a right which is above and before and beyond the law itself. It rests upon the higher law of the absolute sovereignty of the people, if there is any absolute sovereignty in human affairs. But it is a right to be exercised only as a revolutionary right. When the evils of an existing government become intolerable, and there is no peaceable mode of redress, or when there is a people existing without any government at all, they may exercise, and properly exercise, this abstract revolutionary right to commence and take incipient steps from the beginning to form and to establish the government under which they are to live. There is another qualification to the exercise of this right; and that is, that there should be a moral certainty of success. Whoever undertakes to revolutionize a government, to disturb the existing state of things, to supersede the established government and make it give place to another, must carry the revolution through; he must carry it to victory, to success, or he must pay the penalty for producing a rebellion.

If it be conceded that in the Territory of Kansas any such state of things has existed as to justify the exercise of this revolutionary right by the people themselves, independent of any enabling act by Congress, or any act of the Territorial Legislature—what follows? It follows that the Topeka constitution, established by the people of Kansas, by their own voluntary action, twice submitted to that people, twice ratified by that people by overwhelming majorities, is the true revolutionary constitution for that State, and not the Lecompton constitution. If, therefore, you are to throw yourselves back upon the abstract right of revolution, you prove conclusively, not that Kansas should be admitted into the Union under the Lecompton constitution, but that it should be admitted into the Union under the Topeka constitution.

But, sir, I shall not dwell any longer upon that point, for that is not the ground which is assumed by the advocates of the Lecompton constitution. They place themselves upon the ground that the Lecompton constitution is not a revolutionary constitution, but that it is a legally authorized constitution, of binding authority itself; that it has the force of a law binding upon the people of Kansas. Those who advocate it do not choose to inquire whether it has been ratified by the actual majority of the people of Kansas, nor whether it embodies their will. They do not inquire, is it just? but, is it authoritative? is it "in the bond?" As a legal question, therefore, the first point which I desire to examine is, upon what do you rest the legal authoritativeness with which you seek to clothe the Lecompton constitution? The President rests it upon the Kansas-Nebraska act, as an enabling act, and upon the act of the Territorial Legislature, passed in pursuance of it, as he alleges, which gave it the authority of law. The

honorable Senator from South Carolina [Mr. HAMMONN] derives it from altogether a different source. He says "there is no government in the convention until after the adoption by Congress of its constitution." "How can it be possible that the convention should be the creature of a Territorial Legislature?" he asks; and again he says, speaking of the Territorial Legislature:

"Shall that interfere with a sovereignty—inchoate, but still a sovereignty." "The sovereignty of Kansas resides, if it resides anywhere, with the sovereign State of this Union."

He places the sovereignty of the Territories in the States, and says the sovereign powers, to be exercised over them while the Territories are to be exercised by Congress, and by Congress alone. The Senator from Tennessee [Mr. JOHNSON] traces the authority of this convention, and places its sovereignty not in Congress, not in the United States, not in the Territorial Legislature, but in the people of the Territory of Kansas, independent of the Territorial Legislature, and independent, also, of an enabling act by Congress; while, upon the other hand, the Senator from Georgia, [Mr. THOMAS], derives its authority from another source altogether. You will remember that in the course of his speech, on the 2d of February, I put this question to him, "From what source do you derive the legal authority of the convention to form a constitution at all? From the Legislature of the Territory?" He answered:

"Entirely from the Legislature of the Territory. If the authority came from Congress we should be bound by any propositions we made. If it comes from the Territorial Legislature, we may accept or reject the propositions."

Now, Mr. President, when we come to examine this question as a legal question, does it not strike you that there is some strange conflict of opinion among the friends and advocates of this Lecompton constitution. One placing the source of its authority entirely in Congress as the representative of the sovereign States; another placing it in the people of the Territory independent of Congress, and independent of the Territorial Legislature; and a third deriving its authority entirely from the Legislature of the Territory. Where is this vagrant power? In examining a legal question, the mind desires to be brought right up to the point, to meet it squarely, face to face. Where is it to be found? Where shall we seek the fugitive? Now here, now there, now somewhere else. Now it hides itself in Congress; now in the Territorial Legislature; and then again it is found hiding itself among the people of Kansas, to be exercised by them independent of the Territorial Legislature, and independent of the act of Congress.

I have already said that if it resides in the people, to be exercised as an abstract revolutionary right, the Topeka constitution is the true constitution of Kansas; but I propose to examine a little more particularly the ground which has been assumed by the honorable Senator from Georgia, for that is the ground on which the President places himself, and upon which the advocates of this Lecompton constitution must stand, or not stand at all; and that is upon the authority derived from the Territorial Legislature of Kansas.

The Legislature of a Territory derives its powers from the organic act. The persons who may be elected to the Legislature are chosen by the people of the Territory under the provisions of



that organic act, but every power which may be exercised must be found in the organic act, or it cannot be found at all. If it be not within the organic act, it is nowhere; and it therefore necessarily involves the question, whether in the organic act under which the Territory of Kansas was organized, any such power was given by the Congress of the United States? If it be not in the organic act, the action of those gentlemen who happened to sit in the Legislature that called the convention is of no more binding authority than the action of the same number of gentlemen sitting at Topeka or anywhere else in the Territory of Kansas. That which goes beyond the authority given is of no force. It is void; and void things are as no things; and that is the language of all the books in speaking upon this subject.

The same doctrine was expressly affirmed in the case of Arkansas, by the administration of General Jackson. The opinion of the Attorney General was taken; it became a subject-matter, undoubtedly, of consultation by the Cabinet; and it received the sanction of that illustrious man. The same thing is true in the case of Michigan; and the present Chief Magistrate of the United States, Mr. Buchanan himself, declared on this floor, when Michigan applied for admission, that, if a Territorial Legislature, without an enabling act first passed by Congress, should attempt to call a convention and form a State constitution to supersede the territorial government, it was a downright usurpation—I use his very words—it would be “an act of usurpation on their part.”

Does the Kansas-Nebraska act itself confer any authority upon the Territorial Legislature to call a convention to form a constitution and State government? In what language of that act do you find it? Is it in that language which confers all rightful powers of legislation upon the Territorial Legislature? That is just such language as is found in all the organic acts, commencing with the organization of Mississippi and Orleans; and in the organic act for the Territory of Missouri the same language is used. Is it to be found in those often repeated words:

“It being the true intent and meaning of this act not to legislate slavery into any State or Territory, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States?”

Do these words contain it? I shall not go over this ground at length. The argument contained in the speech of the honorable Senator from Vermont, [Mr. COLLAMER,] and the argument contained in the report of the honorable Senator from Illinois, [Mr. DOUGLAS,] are perfectly conclusive upon this point, that the Kansas-Nebraska act of itself did not contain a provision authorizing the Legislature of the Territory to call a convention; and the fact that the men who sat in that Legislature called it, gives it no more force than if an equal number of clergymen sitting at Lecompton had done the same thing.

To show that no such authority was intended to be given by the organic act, I will briefly state three reasons which have occurred to my mind, and which are equally binding on all sides of this Chamber: First, the Kansas organic act contains no express grant of power to the Legislature to call a convention; second, no such power can be implied from the circumstances under which the

act was passed, or from the history or condition of the Territory at the time it was passed, for there were not, I believe, over five hundred white inhabitants in the whole of the Territories of Nebraska and Kansas at the time of the passage of that bill; and, third, if you claim that this language contains an enabling clause, it is utterly void for uncertainty. It mentions no time, prescribes no mode, in which the initiative, the incipient step may be taken towards the formation of a constitution. A portion of the people of that Territory, represented by delegates, assembled at Lecompton, have undertaken to form and regulate their domestic institutions in their own way; and a certain other portion, and a still larger portion—a majority of three, yes, five to one—of the people of the Territory, represented by their delegates at Topeka, have undertaken to form and regulate their domestic institutions in their own way. Now, which is the legal way? Which is the way pointed out by the statute? There is no legal way pointed out. You cannot see what is not to be seen. There is no such thing contained in it.

I have one other additional reason which I wish to urge upon those who advocate the passage of the bill admitting Kansas with the Lecompton constitution. In these days, when estoppels are being pleaded upon political questions; when it is insisted that, by some technical rule of the law, the people of Kansas are to be estopped by the Lecompton constitution; I desire to plead an estoppel in behalf of that people upon some honorable Senators upon this floor. On the 2d of July, 1856, upon their official oaths as Senators in this body, Messrs. Allen, Bayard, Bell of Tennessee, Benjamin, Biggs, Bingle, Bright, Brown, Clay, Crittenden, Douglas, Evans, Fitzpatrick, Hunter, Iverson, Johnson, Jones of Iowa, Mallory, Pratt, Pugh, Reid, Sebastian, Slidell, Stuart, Thompson of Kentucky, Toombs, Wright, and Yulee, by their votes here, declared that the Kansas-Nebraska bill was not an enabling act; for on that day they voted to create an enabling act for the people of that Territory. If estoppels are to be pleaded against the poor down-trodden people of Kansas, when they have been tyrannized over by a meager minority, backed up by the Army and the whole force of the Government of the United States, I beg leave, also in their behalf, to plead an estoppel against those gentlemen who are pleading this Lecompton constitution as an estoppel against them. As against the President of the United States, or rather as against this Administration, I will also plead an estoppel. This Administration claims to be estopped by the action of the last Administration from raising any question as to the legality of the Legislature of 1855; that the people of Kansas are to be estopped from saying anything about the usurpation which then took place in that Territory; that they must submit to that Legislature, and to all that follows as the consequence of that submission. The last Administration officially declared, (and the present Administration should be bound by it,) in effect, that there was no enabling act then in existence for Kansas, and that it was necessary that Congress should intervene to pass an enabling act for that Territory. President Pierce said, in a special message to Congress, in January, 1856:

“This, it seems to me, can be best accomplished by providing that when the inhabitants of Kansas may desire it,

and shall be of sufficient numbers to constitute a State, a convention of delegates, duly elected by the qualified voters, shall assemble to frame a constitution, and thus prepare, through regular and lawful means, for its admission into the Union as a State. I respectfully recommend the enactment of a law to that effect. I recommend, also, that a special appropriation be made to defray any expense which may become requisite in the execution of the laws or the maintenance of public order in the Territory of Kansas."

It follows of necessity, if there is no enabling act contained in the organic act of Kansas Territory, the whole pretended authoritativeness of this Lecompton convention necessarily comes to the ground, and the constitution of necessity must fall with it. But, sir, I go one step further. Still standing on the grounds assumed by its advocates, conceding, for the moment, that such a power is contained in the organic act as an enabling clause, what then follows? The power thus given, is given to the Territorial Legislature, and it just as much belongs to the Legislature of 1857, as to the Legislature of 1855. The powers of the present Legislature are equal to the powers of the Legislature which called the convention to frame this constitution; and what that Legislature failed to do, this Legislature would have the power to do. If, when Governor Geary vetoed the bill passed by the Legislature of the Territory, instead of overriding his objections, they had provided, as he desired, that the constitution, when formed, should be submitted to a vote of the people for their ratification or rejection, does any person doubt that such a provision would be legal and binding on the convention? The Legislature has the power, if it have any, to prescribe for the authentication of the proceedings of the convention, for the mode of calling it, for the mode of certifying it. I do not say that the Legislature would have the right to prescribe what the convention should declare as the will of the people of Kansas in the formation of their government, what the constitution should or should not contain; but the Legislature, if it is to have any power, has power to give authenticity to the act of the convention, the mode of proving it, the mode in which the will of the people is to be expressed. The authority which one Legislature could exercise, another Legislature could exercise, and exercise at any time before the constitution framed by the convention, and the rights of the citizens under it, become fixed and vested; before it takes effect as a binding instrument. At any time before it becomes like a deed, executed, sealed, and delivered, the Legislature of the Territory have the right to intervene, to require an additional authentication, before it shall go forth as the expressed will of the people of Kansas. I know it will be urged that the convention might at once, under the law as it stood, have declared the constitution to be in force from the moment of their adjournment, without any submission. But if they had that power, they did not exercise it. Instead of exercising the power of declaring that constitution to be in force, they referred it back, or a portion of it at least, for revision by the people before it should take effect. They declared "this constitution shall take effect and be in force from and after the ratification by the people, as hereinbefore provided." From and after the ratification it is to take effect; not before. When was that ratification to take place? On the 21st day of December. Before the 21st of December the Legislature of the Territory, then in session,

passed a law requiring the constitution to be submitted to the people for their ratification or rejection entire; and that law passed and took effect four days before the constitution took effect. Under that law, the constitution was submitted in fact to a vote of the people of the Territory, and was rejected by a majority of over ten thousand. If the constitution could not take effect until the 21st of December, it was still an unexecuted instrument; it was still like a deed undelivered, or a will, if you please, while the testator is still living; the time had not arrived when it was to take effect. Before that time arrives, the law-making power intervenes, and requires an additional certificate to its authenticity. Why, sir, take the simple case of a deed: you give a power of attorney to an individual to execute a deed; under that power he would have the absolute right to execute it, acknowledge it, and deliver it; and it would take effect against you. But suppose, instead of executing it and delivering it, he may have some doubt about some clause contained in it—the description, perhaps—and he sends it back to you to take advice on that question; and while the deed is being sent back, while the deed is in your hands still undelivered, the law-making power intervenes, and provides for an additional authentication; that instead of one, there shall be two witnesses, and instead of acknowledging it before one commissioner, you shall acknowledge it before a judge, to give it effect: what effect would that law have upon this instrument? It would prevent its taking legal effect as an instrument, because it was not in fact executed, sealed, and delivered, when the law intervened, and you refused to give it the additional authentication. The law of principal and agent is the same, from the simple servant-boy sent upon an errand by his master, his authority resting in parol, in mere word of mouth, to the envoy extraordinary and minister plenipotentiary from Great Britain, commissioned by letters patent under the great seal of the Crown. It is just as true as to the one as the other, that at any time, at any moment before the authority is executed, the power may be revoked or modified, or rescinded altogether by the principal.

On this point, then, I maintain, in the first place, that no authority has ever been conferred upon the Territorial Legislature to call a convention to form a constitution for the people of Kansas; but if any such authority is anywhere to be found within the clauses of the organic act, the Legislature of that Territory lately elected, clothed with all the power which was given to the first, before the constitution became an executed thing, having force and effect, according to its own language, passed an act by which it was required that there should be an additional authentication of that instrument. I know that the gentlemen on the other side may say that this is a technical objection; that it is standing upon technical grounds. Is it not upon legal technicalities alone that they rest their defense of this constitution? Do they rest upon its justice or its fairness, because it is binding upon that people in honesty and good faith? No, sir. They rest upon it because they say it is technically the legally expressed will of the people of Kansas. If they choose to stand upon technicalities, it is just that they should fall by technicalities. If they will plant themselves upon the harsh

rigor of the law, though it shall trample truth and justice and liberty under the iron heel of despotic power, let them remember that the same rigor of the law may bring that policy to the block. Take your "pound of flesh" if you will, because it is written in the bond; but not "one drop of Christian blood," because it is not written in the bond; "for, as thou urgest justice, be assured thou shalt have justice."

But, Mr. President, waiving these technicalities, advancing one step further in the examination of this important question whether Kansas should be admitted into the Union under the Lecompton constitution, I desire to examine whether, in a more enlarged or liberal sense, the Lecompton constitution is binding in equity upon the people of Kansas, even if you go upon the ground that the Legislature of 1855 was the legal Territorial Legislature of Kansas. I shall not controvert the doctrine which is assumed upon the other side; for I believe it to be true, that if a fair opportunity to vote be given, and a majority of a people choose to refrain from exercising that franchise, and stay away from the polls, they cannot complain of those who may choose to exercise that prerogative. They, by staying away, silently acquiesce in whatever the majority may do who choose to vote.

Now I come to the all-important question so often put upon this floor, and repeated in public newspapers and in private conversation, why did not the free-State people of Kansas, if they are in a majority, as they claim to be so largely, go to the polls and vote for delegates to the convention which framed this constitution? There are, in my judgment, good and sufficient reasons why the election which took place for delegates should not be pleaded as an estoppel upon the people of Kansas—why they should not be concluded by its results; and I will briefly state some of them. The first is, that nearly one half of all the organized counties of that Territory were disfranchised, and without any fault of their own. They could by no means whatever take any part in the election of delegates, if they would. Mr. Walker, in speaking on that subject, says:

"That convention had vital, not technical defects in the very substance of its organization under the territorial law, which could only be cured, in my judgment—as set forth in my inaugural and other addresses—by the submission of the constitution for ratification or rejection by the people. On reference to the territorial law under which the convention was assembled, thirty-four regularly-organized counties were named as election districts for delegates to the convention. In each and all of these counties it was required by law that a census should be taken, and the voters registered; and when this was completed, the delegates to the convention should be apportioned accordingly. In nineteen of these counties there was no census, and therefore there could be no such apportionment there of delegates based upon such census. And in fifteen of these counties there was no registry of voters."

"These fifteen counties, including many of the oldest organized counties of the Territory, were entirely disfranchised, and did not give, and (by no fault of their own) could not give a solitary vote for delegates to the convention."

Mr. Stanton, the acting Governor of Kansas, under whom this registry was made and this census taken, says:

"There are thirty-eight counties, gentlemen, in the Territory of Kansas, including the distant county of Arapahoe. In nineteen of these counties an imperfect register was obtained, giving a vote of nine thousand two hundred and fifty-one. In the other nineteen counties there was no census and no registration."

Now, I should like to know if this of itself is not a sufficient answer to the claim that the people of the Territory of Kansas are to be concluded by the action of that convention; that nearly one half, or quite one half of all the organized counties of the Territory, by no fault of their own, were entirely disfranchised? What reply is there to this?

But, again: in the other nineteen counties the census taken and registry made were so notoriously false and fraudulent, both in the omission of resident voters and in the insertion of the names of non-resident voters, that the people of the Territory could not be called upon, and in justice ought not to be called upon to place any confidence whatever in the fairness of the election to which they were invited. As this is the important point involved in this case, I must ask the indulgence of the Senate while I read some authority for the truth of what I now state. The Leavenworth Times, a paper published at the city of Leavenworth, in an article published directly after this census was completed, said:

"Instead of reporting to the probate judge the names of all the legal voters of that county," he has omitted by fraud, accident, or mistake, at least one hundred free State voters in this town alone, many of whom are among the first settlers of the Territory, and are now among the most prominent men of the county. C. F. Currier, M. J. Parrott, H. J. Adams, (since chosen Mayor of Leavenworth by a large majority,) H. Miles More, E. Ross, H. P. Johnson, Jared Phillips, and many others who ought to be named, are men well known to the officer who took the census, and have a bona fide residence in this town, and have lived here longer than one half of the persons whose names have been registered."

All of these gentlemen were prominent men living in the city of Leavenworth, well known to the officers who took the census. It further says that there were three printing offices in the city of Leavenworth; two of them free-State printing offices, and one a pro-slavery printing office. In taking the census not a man belonging to either of the free-State printing offices was placed upon the registry.

Again, sir, I read an extract from the history of Kansas and the administration of Governor Geary, by Dr. Gihon, the private secretary of Governor Geary. In speaking of this law and the taking of the census under it, he says:

"It provides for the taking of a census preparatory to an election to be held in June, 1857, for delegates to a convention to frame a State constitution, to be presented to the next Congress for its approval. At the election no citizen is allowed to vote who was not in the Territory on or before the 15th of March. The census takers and judges of election are the sheriff and other officers appointed by the pro-slavery party, and bound to its interests."

"Agreeably to this regulation, hundreds of free State men who had been forcibly driven from their claims and homes during the past year's disturbances, and who, in consequence of the difficulty of travel, could not return until after the 15th of March, were disfranchised, as were also the thousands of emigrants that were expected to arrive after that period, and prior to the day fixed for the election. Whilst on the other hand, thousands of Missourians could simply cross the border into the Territory, register their names as voters, and return to their homes to await the election. But even that trouble was at length considered unnecessary, for the sheriffs and census takers found it more convenient to carry their books into Missouri and there record their names. Although 'this was really done, the names of many of the most prominent and oldest free-State residents of the Territory were never registered.'"

To what kind of an entertainment were the people of Kansas invited when they were invited to take part in that election under such a registry and such a census as that?

There is another reason why the people of that Territory should not be concluded and estopped by the election of delegates to the convention. It is this: by the written pledge of honor given by several of its members previous to their election, the people of Kansas were assured, and they had reason to believe, that the constitution to be formed at Lecompton should be submitted to them for their approval or rejection. I read the pledge:

To the Democratic voters of Douglas county:

It having been stated by that abolition newspaper, the Herald of Freedom, and by some disaffected bogus Democrats, who have put up an independent ticket for the purpose of securing the vote of the Black Republicans, that the regular nominees of the Democratic convention were opposed to submitting the constitution to the people, we, the candidates of the Democratic party, submit the following resolution, which was adopted by the Democratic convention which placed us in nomination, and which we fully and heartily indorse, as a complete refutation of the slanders above referred to.

JOHN CALHOUN, A. W. JONES,  
W. S. WELLS, H. BUTCHER,  
L. S. BOLING, JOHN M. WALLACE,  
W. T. SPIGLEY, L. A. PRATHER.

LECOMPTON, KANSAS TERRITORY, June 13, 1857.

"Resolved, That we will support no man as a delegate to the constitutional convention, whose duties it will be to frame the constitution of the future State of Kansas, and to mold the political institutions under which we, as a people, are to live, unless he pledges himself, fully, freely, and without reservation, to use every honorable means to submit the same to every bona fide actual citizen of Kansas, at the proper time for the vote being taken upon the adoption by the people, in order that the said constitution may be adopted or rejected by the actual settlers of this Territory, as the majority of voters shall decide."

The "slander" was, that they were not about to submit the constitution, to be formed by the convention at Lecompton, to the people for ratification or rejection!

Here I will notice a point which was taken by the honorable Senator from Mississippi, [Mr. BROWN.] He claims that these men were released from their pledge by those persons who elected them—by their political friends. He felt the force of the blow and endeavored to parry it; but the answer which he gives is, in my judgment, no sufficient answer. A pledge given by a public man before an election may just as well affect the action of those who oppose his election as those who sustain it. It may induce them not to vote against him. It may induce them not to take any part to prevent his election.

But there is another reason why the people of the Territory of Kansas should not be estopped by the result of that election, and that is this: the Administration at Washington, in every form in which an Administration can be bound in honor and in good faith, gave the people of Kansas to understand that it was a part of their policy, on which they would insist, that the constitution about to be formed at Lecompton should be submitted to them for their ratification or rejection. I maintain that by the action of the President himself, by his own inaugural address, in which he declared it to be "the imperative and indispensable duty of the Government of the United States to secure to every resident inhabitant the free and independent expression of his opinion, by his vote;" by his instructions to Governor Walker, in which he declared in his official capacity, "when such a constitution shall be submitted to the people of the Territory, they must be protected in the exercise of their right of voting

for or against that instrument, and the fair expression of the popular will must not be interrupted by fraud or violence;" by the often repeated declarations of Governor Walker himself to the people of Kansas, that he accepted the appointment of Governor of Kansas upon the express condition that he should advocate the submission of the constitution to the people of Kansas, for their ratification or rejection; by his declaration to the people of Kansas, that it was so understood by the President, and every member of his Cabinet, that it was acquiesced in by them, that, in that respect, he and the President, and the Cabinet were united, that the constitution should be submitted to the people for their ratification or rejection; by all these assurances the people of Kansas had the right to believe, and they did believe, that the Administration stood pledged to the submission of the constitution to a fair vote of the bona fide actual settlers of the Territory, without being interrupted by fraud or by violence. How could they think otherwise? How could there be two opinions about it? Has it, indeed, come to this that no meaning is to be given to the inaugural address of the President of the United States while his oath of office is yet warm upon his lips? What a spectacle do we present to the whole civilized world! Have we indeed descended so low in the depths of official demoralization, that the people of the United States can no longer place any reliance upon the official messages, proclamations, and declarations of their highest functionaries?

Sir, I maintain that the people of Kansas had the right to believe, and they did believe, that the Administration, through its chosen organs in Kansas, Governor Walker and Secretary Stanton, as well as by the inaugural address of the President, and the letter of instructions to Governor Walker, stood pledged—pledged in honor, pledged in good faith—that the constitution to be formed at Lecompton should be submitted for their ratification or rejection. They had a right, not only to believe it, but to insist upon it; and the people of these United States, who are about to take this whole Kansas policy into their own hands, have a right to insist that the Congress of the United States shall see to it that every pledge and assurance thus given shall be, in letter and in spirit and in perfect good faith, fulfilled to the people of Kansas; that no such instrument, formed as this Lecompton constitution was, shall be forced upon that people against their will.

But the President insists that the whole opposition of the people of Kansas to the Lecompton constitution grows out of the slavery question, and further, that the slavery question has been fairly submitted to the people of Kansas, and they should be concluded by the result of the election upon that submission. With all due deference to the President of the United States, I shall maintain that while the slavery question was more important than any other one question which agitated the people of Kansas, yet there were many other grounds of opposition to the adoption of the Lecompton constitution by the people of Kansas, upon which they had no opportunity to vote whatever. Governor Walker says:

"I state it as a fact, based on a long and intimate association with the people of Kansas, that an overwhelming majority of that people are opposed to that instrument, and

my letters state that but one out of twenty of the press of Kansas sustains it. Some oppose it because so many counties were disfranchised and unrepresented in the convention. Some who are opposed to paper money, because it authorizes a bank of enormous capital for Kansas, nearly unlimited in its issues, and in the denomination of its notes, from one dollar up and down. Some because of what they consider a Know-Nothing clause, by requiring that the Governor shall have been twenty years a citizen of the United States. Some because the elective franchise is not free, as they cannot vote against the constitution, but only on the single issue, whether any more slaves may be imported, and then only upon the issue by voting for the constitution to which they are opposed. They regard this as but a mockery of the elective franchise, and a perilous sporting with the sacred rights of the people. Some oppose because the constitution distinctly recognizes and adopts the Oxford fraud in apportioning legislative members for Johnson county, upon the fraudulent and fictitious returns, so falsely called, from that precinct, which recognition of that fraud in the constitution is abhorrent to the moral sense of the people. Others oppose because, although in other cases the presidents of conventions have been authorized to issue writs of election to the regular territorial or State officers with the usual judges, with the established precincts and adjudication of returns, in this case unprecedented and vice-regal powers are given to the president of the convention to make the precincts, the judges, and to decide finally upon the returns.

"From the grant of these unusual and enormous powers, and from other reasons connected with the fraudulent returns of Oxford and McGee, an overwhelming majority of the people of Kansas have no faith in the validity of these returns, and therefore will not vote."

I further maintain that the slavery question in no just sense was submitted to the people of Kansas at all. The only question submitted to them was the constitution with slavery under the slavery article; or the constitution with slavery under the slavery schedule. It was to be a slave State in any event. So it was understood by all the politicians and presses who are to be regarded as among the leaders of the slavery-extending policy. The *Charleston Mercury* says:

"We do not think that the question of slavery or no slavery is submitted to the vote of the people. Whether the clause in the constitution is voted out or voted in, slavery exists and has a guarantee in the constitution that it shall not be interfered with."

It is expressly provided in the schedule that if the slavery article be stricken out, the property in the slaves then existing in the Territory shall never be interfered with. So far as the slaves then existing in the Territory are concerned, it is much more severe under the schedule than it is under the slavery article. Under the slavery article it is provided that you may emancipate slaves upon making compensation, and prevent, even, the importation of slaves, after you have abolished slavery within the State of Kansas.

But let us look a little more closely into the provisions of this constitution, to see whether the question of slavery was actually submitted at all to the people of Kansas. I respectfully ask the attention of every person accustomed to the consideration of legal questions, who has a seat on this floor; and I put this question to him: how, if the slavery article were stricken out of the constitution of Kansas, could a free negro, by whatever means taken into the Territory of Kansas, assert his freedom? If a slaveholder living in Missouri should embark his slaves on board a boat to cross the river into Kansas, and land with his slaves upon the soil of Kansas, with your slavery article stricken out, how could they obtain or assert their freedom? One provision in this constitution declares that "free negroes shall not be permitted to live in Kansas, under any circumstances." There is another provision which de-

clares that no freeman shall be exiled from Kansas. A negro, therefore, if free, shall not live in Kansas; and a negro, if free, shall not be exiled from Kansas. How can he assert his freedom? Can he go into any court in Kansas and assert it? If he apply for a *habeas corpus*, if he bring a suit for his freedom, he is estopped by the constitution from saying that he is a freeman—a free negro in Kansas.

Sir, under the provisions of the Lecompton constitution, a free negro could not enter the courts of Kansas alive, and be permitted to say, "I am free." He is estopped from saying that he is a free man anywhere on the soil of Kansas, under that constitution, even with your slavery article stricken out. Under that constitution, no matter by what means a negro is taken there, but one alternative is presented. The courts of Kansas will not suffer him to enter alive, and say that he is free; the courts of the United States are closed against him because of his African descent. There is, therefore, under that constitution, but one dread alternative presented to a negro in Kansas, by whatever means he goes there—slavery or death. He has no remedy whatever. Take it all in all, the greatest mistake—I ought to say, the boldest and the most unfounded of all assumptions by which it is sought to bolster up the Lecompton constitution—is the assumption that the question of slavery was ever submitted at all to the people of that Territory. I know of but one bolder and more unfounded assumption, and that is, that it was fairly submitted to the people of the Territory.

For one moment, sir, go back with me in imagination to the 21st of December. Let us suppose that we placed ourselves at the polls in Kansas, desiring to exercise rights as citizens of Kansas. From our position, education, and convictions, it would be very reasonable to suppose that we might differ entirely as to the policy of the introduction of the institution of slavery into that State. I should desire to vote against it. You might desire to vote in its favor. We present ourselves at the polls. You challenge my vote; I challenge yours. Before either of us can deposit our ballots, we are required to take an oath to support this constitution when it is adopted, and as there can be no vote whatever against it, it must of necessity be adopted. We look into its provisions. We find incorporated into the body of that instrument, and as a part of its very essence, its representation based upon the fraudulent votes and returns from Johnson and McGee counties. I wish to put this question: could you take that oath and swear to support such a constitution, embracing within its provisions what is known to all the world to be infamously fraudulent?

But again, sir, I will go one step further. If the slavery article is adopted, it contains the following clause:

"The right of property is before and higher than any constitutional sanction, and the right of the owner of a slave to such slave and its increase is the same, and as inviolable as the right of the owner of any property whatever."

Suppose the schedule had further provided that, in case this slavery article should be stricken from the constitution, the following should be substituted:

"No right of property exists or can exist in man or his

offspring; slaves are the fruit of the slave trade, which is declared to be piracy, and punishable with death; slaveholding under all circumstances is a felony, and shall be punished as a crime."

I ask, could you conscientiously take an oath to support a constitution containing such a provision? Sir, I know not how others may feel, but I would not take an oath to support a constitution which declares the right of property in man to be higher and above any constitutional sanction, and that in that respect the constitution should never be altered, under any circumstances—no, sir, though the grave should open before me in one single hour.

The oath which I have supposed to have been put to you was not put to the pro-slavery voters in Kansas to compel them to remain absent from the polls and take no part in the election; but precisely that oath, which I have supposed to be put to myself, was put to every free-State man in Kansas who would offer to vote upon the constitution—an oath, against which his whole early education, every principle which he maintains, revolts. It produced precisely the effect which was intended—it drove the free-State men from the polls en masse. It effected precisely that, and that only, for which it was deliberately contrived and intended. I ask honorable gentlemen, is it just to say that the people of Kansas, the free-State men of Kansas, have had a fair opportunity to vote on this question, when, as a precedent to their voting, you compel them to take an oath which they cannot take without bringing moral perjury upon themselves? If it had provided that a pro-slavery man, who desired to vote for the introduction of slavery, should take an oath that it was a crime and a felony under all circumstances, would that be a fair submission to a pro-slavery man? The assumption by the President of the United States that the question of slavery has been fairly submitted to the people of Kansas, must, I assure you, sir, be based upon some logic which I cannot understand, which the people of the United States do not understand, and cannot be made to understand. There must be a "delusion" somewhere.

But, to return, the election was soon to come off in Kansas. The constitution itself was not submitted to the people; they were to have no fair opportunity to vote upon the slavery question; what was to be done? Let Mr. Stanton, acting Governor of the Territory, under these circumstances, speak for himself. Speaking of the condition of the people of the Territory, under these circumstances, and as this vote was about to be taken, he says, in his late speech in New York:

"You may well imagine that the people of the Territory were deeply excited; they were stirred to the very depths of the popular heart. Their murmurs were loud, their outcries were boisterous, their threats were strong and violent. I could not much blame them for almost anything that they might have been disposed to do under the circumstances. They called upon me, in the absence of Governor Walker, as acting Governor of the Territory to give them what relief I could. What was I to do? What could I do under the circumstances? I saw the iniquity that had been perpetrated before my eyes in spite of my efforts, in spite of the authority and of the resistance of Governor Walker and myself, in spite of the threats and murmurs of the people; I saw the thing done before my eyes, in the face of the world; the vilest wrong that had ever been perpetrated against any people. I learned, what to me was not at all astonishing, that in their great meetings they had ever contemplated the destruction of General John Calhoun, and every man who, by the terms of that constitution, they re-

garded as participants in carrying it into effect. I saw John Calhoun afterward, on the result of that state of feeling, under the necessity of going into the Territory after his own office—the most important, or at least the most profitable, office in the whole Territory, the occupant of which is clothed with more patronage than any other officer; I saw him guarded by dragoons of the United States, to protect him against the just indignation of the people. Well, gentlemen, as I, in the simplicity of my heart, thought that the people were entitled to such relief as I could give them, I thought that they asked me simply to call a Legislature of their own election, in order to give them some relief; I thought it was my duty to do what they asked. I called that Legislature together; and if again I should hear the murmurs of that distracted people, if again I should look into their glaring eyes, if again I should hear the despairing cries coming upon my ears, calling upon me for assistance—I say, if the President, with all his Cabinet, were standing in my path, frowning and threatening discredit, dismissal, death, anything, I would do it again."

Thus speaks out a noble and a generous hearted son of the South. Though he went to that Territory prejudiced against the free-State men of Kansas, though, to use his own language, he went there as a border ruffian, though he went there desiring to make it a slave State by every means which he could honorably use, yet, when he came to go over that Territory and to learn the true state of the affairs of its people, when he saw them trodden under foot by an insolent and tyrannical minority, backed up by the Army and the Administration at Washington, he could no more refrain from giving utterance to the truth, and the whole truth, than he could hold coals of fire in his bosom.

But what were the actual results of this election on the 21st of December? There were nominally six thousand one hundred and forty-three votes given. Of those, three thousand and twelve were given in Johnson and Leavenworth counties, at Oxford, Shawnee, and Kickapoo; and the Speaker of the Assembly and the President of the Council declare, "from our personal knowledge of the settlements in and around the above places we have no hesitation in saying that the great bulk of those votes were fraudulent."

By this morning's paper it is announced that in this very city is a Mr. Green, direct from Kansas, with the proof in his hands to show that there were but two thousand five hundred legal votes cast on the 21st of December in that Territory. What great men voted in Kansas at Kickapoo on that famous day? James Buchanan, President of the United States, William H. Seward, Thomas F. Marshall, George W. Brown, John C. Fremont, John Herndon, and Thomas H. Benton, are among the voters recorded at Kickapoo on the 21st of December!

What was the result of the vote cast on the 4th of January? The Lecompton constitution was submitted to the people of Kansas, and was rejected by a majority of over ten thousand votes. No question has been raised as to the legality of the votes that were given on that day.

Do you ask any more witnesses to prove the truth of what I say? I do not propose to call witnesses who were friendly to the Republican party at the time they became acquainted with the facts. I will call the witnesses whom you yourselves have sent to the Territory of Kansas—five Governors in succession, one after another; and what is their united testimony? Governor Reeder, Governor Geary through his private secretary, Governor Stanton, Governor Walker, and even Governor Shannon; and, if you will delay your action upon

this Lecompton constitution for three months longer, until Governor Denver can become well acquainted with the situation of affairs in Kansas, my life upon it, we shall be able to call him as the next witness to prove the same truth.

Mr. President, strip this question of all its disguises, and express it in one single word; and what is it, and what has it been from the beginning? Simply whether the minority of the people in that Territory, backed up by the Administration at Washington, shall form a constitution establishing slavery in Kansas, and bring it into the Union against the will of the majority; or whether the majority of that people shall be permitted peacefully to form their own constitution, and come into the Union as a free, independent, and sovereign State? That is the question now; it was the question in 1856; it was the question in the beginning, and from before the beginning; and there has been no other question from the fall of 1853 down to the present hour.

I desire not to trespass upon the patience of the Senate; but I wish to state briefly some facts to justify the declaration which I have now made. In the spring of 1853, when Congress adjourned, it left undisposed the Nebraska bill. No person at that time entertained the idea of a repeal of the Missouri compromise. Mr. Atchison, who up to that time had opposed the passage of the bill, came to its support. He declared that he was prepared to submit to the compromise, as there was no longer any hope of repealing it. He returned to his home in western Missouri. During the fall of 1853, months before the Kansas-Nebraska bill was agitated in Congress, or in the country, Mr. Atchison attended some meetings in the border counties of Missouri; and to one of those meetings, an account of which was extensively published through the country at the time, I beg leave to call your attention. It was a meeting at which Mr. Atchison himself made a speech, an account of which was given in the "Platte Argus."

In one of those resolutions it was declared that they were opposed to opening the Territory for settlement; in another, that, if it were open for settlement, the Missouri compromise should be repealed; and a third resolution was that, "if the Territory shall be opened to settlement, we pledge ourselves to each other to extend the institutions of Missouri over the Territory, at whatever sacrifice of blood or treasure." This meeting and these resolutions, though extensively published throughout the country, attracted but very little attention; but subsequent events have given to those resolutions a deep and momentous significance. From his home in Missouri he returned here to his place in the Senate. On the 16th of January, 1854, the proposition first appeared from the then Senator from Kentucky [Mr. Dixon] to repeal the Missouri compromise. I shall pass over that session of Congress when this great matter was discussed. The bill became a law on the 30th of May following. Mr. Atchison returned from his place here to his home in Missouri. The election which was first to come off in Kansas was to take place on the 29th of November following for the choice of a delegate to Congress. I read from the history of Kansas by the private secretary of Governor Geary:

"Several weeks previous to this election, General B. F. Stringfellow, ex-Vice President David K. Atchison, and

other prominent citizens of that State, addressed large meetings in Missouri, urging the people 'to enter every election district in Kansas, in defiance of Reeder and his vile myrmidons, and vote at the point of the bowie-knife and revolver.' The cause, it was urged, demanded it, and 'it was enough that the slave holding interest wills it, from which there is no appeal;' and, 'if the pro-slavery party should be defeated, then Missouri and the other southern States will have shown themselves recreant to their interest, and will deserve their fate.'"

The issue was distinctly stated by Mr. Whitfield himself, in a speech shortly after that election, as follows:

"We can recognize but two parties in the Territory—the pro slavery and the anti-slavery parties. If the citizens of Kansas want to live in this community in peace, and feel at home, they must become pro-slavery men; but, if they want to live with gangs of thieves and robbers, they must go with the Abolition party. There can be no third party—no more than two issues—slavery and no slavery in Kansas territory."

At that election there were two thousand eight hundred and seventy-one votes given, of which one thousand seven hundred and twenty-nine were found to be illegal, every one of which illegal votes was cast for Mr. Whitfield. But this election, which took place on the 29th of November, was a very small affair compared with what was to come off when it was to be determined who should hold the legislative power of the Territory. At that time, (and it is a fact beyond all dispute; I have authorities before me going to demonstrate it,) nearly five thousand men, non-residents of Kansas, entered into the Territory, took possession, with arms in their hands, of the polls in every council district, and of every assembly district but one in the Territory, and chose every member of the Legislature with a single exception. After that election was over, from the same newspaper to which I have referred, the Platte Argus, jubilant expressions of victory were heard. The declaration was made: "They (the Missourians) have conquered Kansas. Our advice to them is, let them hold it or die in the attempt." I shall not pursue the history of that transaction. The report and speech of my honorable friend from Vermont [Mr. COLLAMER] are conclusive to show that from that usurpation, from the moment that armed body of men took possession of the Territory of Kansas, down to the time when the Lecompton constitution was framed, there never has been a moment that the power of the usurpers has not reigned supreme in that Territory, sustained by the Administration at Washington.

But one thing remained, and that was to induce the Administration at Washington, after they had accomplished this result, to acquiesce in the usurpation. Then commenced the most memorable struggle in the Congress of the United States which this country has ever witnessed; the President upon the one side, with a large majority of the Senate and the House of Representatives with a small minority on the other. The whole question which underlay that controversy was simply this, nothing more and nothing less: shall the Congress of the United States, by law set aside or acquiesce in this usurpation. That struggle was a long one; for a long time it was a doubtful one; it was an earnest one; but at length the Executive by the power of the Administration brought to bear, succeeded.

From that hour to the present moment, the Executive has declared and insisted that the laws passed by that Territorial Legislature should be

enforced by the whole power of the Government and at the point of the bayonet. From that moment there has been no relaxation in the grasp of that usurpation. The people of Kansas feel it now; it is resting upon them still, and the crowning object of the whole, the ripened fruit of that usurpation, for which it was perpetrated, is this Lecompton constitution. Yes, sir, as it was resolved before the Kansas-Nebraska bill was passed, in western Missouri, at the meeting at which Mr. Atchison made his speech, that they would carry the institutions of Missouri into Kansas at whatever cost of blood or of treasure, they did organize, they did take possession of Kansas by force of arms, they did elect the Legislature of Kansas, by which, in three short weeks of a session they did extend the whole code of Missouri over the Territory; adding to it some provisions of their own, so atrocious and damnable in their character, that no member of Congress in either House has ever yet dared to stand up and defend them.

But, Mr. President, I fear that I have trespassed upon the time and the patience of the Senate already. I desire to say but a very few words more and I shall have done. It was during that struggle in Congress, and while it was pending, that the Republican party proper commenced its organization at Pittsburg, on the 22d of February, 1856. During that struggle, as the presidential election was coming off, I admit there were many individuals for whose intelligence I have the highest respect, and whose patriotism and integrity of character I have no reason to doubt, who not only did not believe, but whom no evidence which could then be produced could make believe, that any such state of things in fact existed. It was denounced as mere political exaggeration got up for political purposes for the advancement of a political party. They closed their eyes; they closed their ears; they did as the honorable Senator from South Carolina says that he has intended to do—they chose to remain ignorant of the facts transpiring in Kansas. They could not be made to believe that such a state of things could possibly exist in this country as that there should be a deliberate and an organized invasion, and an actual subjugation of one of the Territories of the United States by force of arms for the purpose of establishing slavery in the Territory against the will of the people.

But the veil has now been drawn aside. It has been drawn aside under such circumstances, it has been drawn aside by such hands, that they can no longer disbelieve. The witnesses who now stand before the public to prove the truth of these transactions in Kansas, are not a committee sent out by the House of Representatives. They are not the political friends of the Republican party.

No, sir; they are the witnesses whom you have chosen to send out as your own agents—the witnesses to whom I have already referred—the Governors in succession, who, though they were there prejudiced against the people, with prejudiced eyes, not prepared to see the truth, have yet been conquered in spite of their prejudices, and have been converted by the people of Kansas from political enemies into warm self-sacrificing friends. They were the men of your own choice. I ask, by what miracle of power is it that the people of Kansas have conquered all these Governors that that have been sent out there to administer their affairs? The secret of their power consists in the simple fact that what they now say, and what they have said from the beginning, is true in relation to that Territory.

Mr. President, I have gone over the history of this transaction much more rapidly than I could have desired; but I have done. There stands the truth of history. It can no more be doubted now that there was a regularly organized invasion and subjugation of that Territory, and the imposition of that Legislature, than there can be a doubt that Cæsar crossed the Rubicon, or that Cornwallis surrendered to General Washington. There stands the indisputable, the overwhelming, the appalling truth, recorded upon the page of our history. No sophistry can obscure it; no special pleading, dictated by partisan blindness or mad ambition, can withdraw it from the sight. Though it scar the eye-balls, it will not down at your bidding. There it stands, and will continue to stand, when you and I and all of us shall have gone to render an account of our stewardship, and of the part we may have borne in these transactions, to the Lord of lords and the King of kings; when all that is mortal of us shall long since have moldered into ashes. Though centuries shall have passed away, American liberty, as she looks upon that page, may strive to obliterate it, but in vain. No mantle of her shame will be broad enough to cover it. No tears of her anguish can wash it away. The blood of her sons, though it flow in torrents, cannot drown it out of sight.

But one act more remains to make the page of infamy complete. Pass this bill, and it is done. Pass this bill, and the historian will record upon the page of history for after generations, there to remain forever, that in the same year in which Russia proclaimed freedom to her bondmen, and while the whole civilized world were exultant with rejoicing at that event, republican America, trampling under foot its own Declaration of Independence and every principle of self-government, by force of arms established a State government in Kansas for the purpose of extending the institution of slavery into that State against the will of its inhabitants.